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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments by the Human Rights Committee

NIGER

1. The Committee considered the initial report of Niger (CCPR/C/45/Add.4) at its 1208th and 1212nd meetings, held on 23 and 25 March 1993, and adopted 1/ the following comments:

A. Introduction

2. The Committee expresses its appreciation to the Government of the State party for its report and for engaging in a dialogue with the Committee on the implementation of the Covenant in Niger. The Committee regrets, however, that the report, which is extremely succinct, was not drawn up in accordance with the Committee's general guidelines on the drafting of initial reports. The lack of information both on legal norms and the practice concerning human rights, in particular the new Constitution, as well as on the factors and difficulties impeding the implementation of the provisions of the Covenant prevented the Committee from gaining a clear idea of the real human rights situation in the country. The Committee nevertheless thanks the delegation of Niger for endeavouring to reply to the questions raised and thus make up for the report's shortcomings.

B. Positive aspects

3. The Committee notes that new developments recently took place in Niger, which had a positive impact on the human rights situation in the country. A process of democratization is under way; it has been marked by the meeting of a National Conference, the adoption of a National Charter and then a new

1/ At its 1232nd meeting (forty-seventh session), held on 8 April 1993.

Constitution, the establishment of a multi-party system, the organization of general elections, the relaxation of control over the press, and the recent truce with Tuareg movements. Thus, there are positive factors that should lead to the establishment of a pluralist democracy in Niger, particularly since one can point to other elements such as greater access on the part of women to high-level civil service posts and the training of law enforcement agents with regard to human rights and public freedoms.

C. Factors and difficulties impeding implementation of the Covenant

4. The Committee notes that the events that occurred in the North of the country in 1991 and 1992 and brought the Government forces into conflict with Tuareg movements had a very negative impact on the human rights situation throughout the country. The representative of Niger indicated that, owing to the continued existence of certain traditions and customs, Niger is not fully complying with its obligations under the Covenant.

D. Main subjects of concern

5. The Committee is extremely concerned about the cases of extrajudicial executions and torture that occurred in the context of the disturbances in 1991 and 1992 in the North of the country and deplores the fact that these cases have not, to date, been the subject of investigations or compensation on the part of the authorities. The Committee recalls in this regard that the Covenant does not authorize, in any case, derogations from articles 6 and 7 of the Covenant. The Committee stresses that the implementation of articles 9, 10 and 14 of the Covenant, particularly with regard to the duration of police custody, the conditions of detention for persons deprived of freedom and available recourse in cases of human rights violations is not satisfactory.

6. The Committee is concerned at the situation of women who continue to be the object of discrimination. It is also concerned about the shortcomings in observance of articles 18 and 19 of the Covenant. It regrets that article 27 is not fully implemented in Niger as well as the particularly low level of participation during the recent elections, especially in the North of the country.

E. Suggestions and recommendations

7. The Committee recommends to the State party that investigations should be conducted into the cases of extrajudicial executions which were carried out in the context of the disturbances in 1991 and 1992 in the North of the country and of the torture and maltreatment of persons deprived of their freedom. The Committee considers that the agents of the State responsible for such human rights violations should be tried and punished. They should in no case enjoy immunity, inter alia, through an amnesty law, and the victims or their relatives should receive compensation.

8. The Committee further recommends that the State party should firmly endeavour to bring its domestic legislation and practice into line with the provisions of the Covenant and, in particular, provide full protection for the rights of women and the rights of ethnic or religious minorities living in the country.

9. It is also recommended that Niger should draw up its second periodic report and the basic document in accordance with the Committee's general guidelines regarding the form and contents of periodic reports (CCPR/C/20/Rev.1) and the consolidated guidelines for the initial part of the reports of the States parties (HRI/1991/1) and provide complete information on measures taken, both in law and in practice, in order to implement the provisions of the Covenant. The Committee suggests that in implementing the recommendations contained in paragraphs 8 and 9, the State party should request the assistance of the United Nations Centre for Human Rights.

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